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| GREENBERG TRAURIG, LLP | | | KE, PENG | |
| MET LIFE BUILDING | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/656,846

Applicant(s)

CHU ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 8/3/07.

Claims 42-81 are pending in this application. Claims 42 and 62 are independent claims.

In the Amendment, filed on 8/3/07, claims 1-41 were cancelled and claims 42-81 were added.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42 –43, 45-46, 60-63, 65-66, and 80-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Nawaz US Patent 6,272,493.

As per claim 42, Nawaz 5,959,621 teaches a dynamic content user interface, comprising:

a dynamic layer, the dynamic layer being generated for display to a user by a browser in communication with a server, and further comprising; (see Nawaz, figure 7, items 250 and 252; column 12, lines 10-12; Dynamic integration of multimedia data creates a dynamic layer of display.)

a visible item display area and a visible summary display area, the summary display area comprising a plurality of entries, (see figure 10, item 154; column 8, lines 13-25) the content displayed in the item display area being associated with a selected one of the plurality of entries in the summary display area, (see figure 10, item 154; column 9, lines 25-42; The current data from being display, which are source from ESPN, is a summary display) the item display area being updated to reflect, upon selection by said user, (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window) a newly selected one of the plurality of entries in the summary display area

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without retrieving additional information from said server. (see figure 19, item 340 the documents are periodically retrieved, so update from the server only come at the certain time, rest of documents are pre-stored on the server)

As per claim 43, Nawaz teaches the dynamic content user interface of claim 42. Nawaz further teaches a new one of the plurality of entries in the summary display area being automatically selected after a predetermined period of time. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 45, Nawaz teaches the dynamic content user interface of claim 43. Nawaz further teaches the dynamic content user interface iterating through the entries in the summary display area. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 46, Nawaz teaches the dynamic content user interface of claim 42. Nawaz further teaches the dynamic layer further comprising a media display area. (see Nawaz, col 5, lines 35-50)

As per claim 60, Nawaz teaches the dynamic content user interface of claim 42. Nawaz further teaches the interface comprising a visual cue, the visual cue being associated with the currently selected entry in the plurality of entries. (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window)

As per claim 61, Nawaz teaches the dynamic content user interface of claim 60. Nawaz further teaches the visual cue comprising a graphical indicia displayed next to the currently selected entry in the plurality of entries. (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window)

As per claim 62, Nawaz teaches method for displaying dynamic content, comprising: transmitting a browser interpretable document to a computing device operable by a user; enabling communication

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between said document and a server; and said browser interpretable document further comprises instructions for:

displaying a dynamic layer to the user, the dynamic layer comprising an item display area and a summary display area, the summary display area comprising a plurality of entries, and each of the plurality of entries comprising a user selectable region; (see Nawaz, figure 7, items 250 and 252; column 12, lines 10-12; Dynamic integration of multimedia data creates a dynamic layer of display.)

monitoring user interactions with the dynamic layer to determine when a user interacts with a user selectable region; (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window) and,

displaying in the item display area information associated with the user selectable region with which the user interacted, the displaying being done without retrieving additional information from said server. (see figure 19, item 340 the documents are periodically retrieved, so update from the server only come at the certain time, rest of documents are pre-stored on the server)

As per claim 63, which is dependent on claim 62, it is rejected under the same scope as claim 43. Supra.

As per claims 65-66, they are rejected under the same rationale as claims 45-46. Supra

As per claims 80-81, they are rejected under the same rationale as claims 60-61. Supra.

Claim Rejections – 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz US Patent 6,272,493 further in view of Seet US Patent 2004/0162760.

As per claim 44, Nawaz teaches the dynamic content user interface of claim 43. However, it fails to teach the new one of the plurality of entries being selected at random from the set of entries.

Seet (US 20040162760) teaches the new one of the plurality of entries being selected at random from the set of entries. (see Seet paragraph 0009)

It would have been obvious to an artisan at the time of the invention to include Seet's teaching with the interface of Nawaz in order to provide users with a spontaneous way of accessing webpage.

As per claim 64, it is rejected with the same rationale as claim 44. Supra.

Claims 47-59, and 67-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz US Patent 6,272,493 further in view of Walker US Patent 2002/0113812.

As per claim 47, Nawaz teaches the dynamic content user interface of claim 46. However it fails to teach the media display area further comprising at least one control capable of controlling the playing of media.

Walker (US 20020113812) teaches the media display area further comprising at least one control capable of controlling the playing of media. (see paragraph 0069)

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It would have been obvious to an artisan at the time of the invention to include Walker's teaching with the interface of Nawaz in order to provide users with audio and video content.

As per claim 48, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for pausing playback. (see Walker figure 11g. The pausing button can pauses playback)

As per claim 49, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for initiating playback. (see Walker figure 11g. The scroll bar is a control initiate playback)

As per claim 50, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for stopping playback. (see Walker, paragraph 0070)

As per claim 51, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for rewinding playback. (see Walker, paragraph 0070)

As per claim 52, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for fast forwarding playback. (see Walker, paragraph 0070)

As per claim 53, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for muting the audio portion of media playback. (see Walker, paragraph 0070)

As per claim 54, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising controls for initiating, pausing, and stopping playback. (see Walker, paragraph 0070)

As per claim 55, Nawaz and Walker teach the dynamic content user interface of claim 47. Nawaz further teaches playback being automatically initiated upon selection of a newly selected entry. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 56, Nawaz and Walker teach the dynamic content user interface of claim 55. Nawaz further teaches the playback being automatically initiated after a delay. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 57, Nawaz and Walker teach the dynamic content user interface of claim 46. Walker further teaches the media display area comprising a plug-in capable of presenting video. (see Walker, paragraph 0074)

As per claim 58, Nawaz and Walker teach the dynamic content user interface of claim 57. Walker further teaches the aspect ratio of the video being automatically adjusted without requiring a reload of the video. (see Walker, paragraph 0074)

As per claim 59, Nawaz and Walker teach the dynamic content user interface of claim 57. Walker further teaches the video being a streamed video. (see Walker, paragraph 0054)

As per claims 67-79, they are rejected with the same rationale as claims 47-59. Supra.

Response to Argument

Applicant's arguments with respect to claims 41-81 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke

/Steven P. Sax/
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